IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4325 OF 2005

Shri Bapusaheb Sakharam Ravan ..Petitioners.
Chairman, Prince Shivaji Education
Society, Kolhapur and Another.

Versus

Shri Ramchandra Krishnaji Kanbarkar ..Respondents
Chairman, Tarani Vidyapeeth
Rajarampuri, Kolhapur and Others.

Mr.N.V. Bandiwadekar for the petitioners.
Mr. S.S.Patwardhan for the Respondent Nos. 1 & 2.

CORAM : S. A. BOBDE, J.
DATED : 26th SEPTEMBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr.Patwardhan, Advocate waives service of rule for respondent Nos.1 and 2. Heard by consent.

2. The impugned order of the Dy. Charity Commissioner, Kolhapur Region, Kolhapur dated 28.01.2005 holds that the application filed by the petitioners is not tenable under section 41-A of the Bombay Public Trust Act, 1950. If this was the view of the Dy. Charity Commissioner, there was no reason for him to make any observations on merits. In this view of the matter, the findings on issue Nos. 1 to 3

are hereby set aside.

3. The petitioners shall be at liberty to resort to such remedy as may be available to him in law.

4. Rule is disposed of in the above terms.

DT.26.09.05 (S.A.BOBDE,J)

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